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FILE NO: 30067.000009

May 10, 2006

**VIA ELECTRONIC AND
OVERNIGHT MAIL**

Mr. Randy Sturgeon (3HS23)
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Response of The Peck Company to Request for Information Pursuant
Under Section 104(e) of CERCLA With Regard to Peck Iron and Metal
Property, 3850 Elm Avenue, Portsmouth, Virginia**

Dear Mr. Sturgeon:

On behalf of The Peck Company (hereinafter "Peck"), this is the response, as of the date set forth above, to the letter from Dennis P. Carney dated January 13, 2006, and received by Peck on March 6, 2006, requesting information with regard to the Peck Iron and Metal property in Portsmouth, Virginia (hereinafter the "Information Request").¹ We are submitting this response in our capacity as counsel for Peck. Peck understands that it has a continuing obligation to supplement this response if additional information becomes available, and Peck reserves the right to submit additional information that it may find to be responsive to the Information Request.

Set forth below are each question contained in the Information Request in *bold-faced, italicized type*, followed by Peck's response as of the date of this letter.

¹ The Information Request called for a response within 30 calendar days of the date on which we received it. In a letter to Dennis Carney sent on March 17, 2006, David Peck requested an extension until May 5, 2006, to submit Peck's response. On behalf of EPA, Mr. Carney granted this request in a letter sent to Mr. Peck on March 28, 2006. Patricia Miller granted Peck an additional extension until May 10, 2006, which I confirmed in an e-mail to Ms. Miller on May 3, 2006.

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1. *As it relates to the Site, what is the current nature of your business or activity or any other business or activity that may be taking place at the Site?*

RESPONSE:

Currently a minority owned business, Able Body Demolition, is using the property to store its trucks. Able Body also has unloaded inert material, including concrete, dirt, and asphalt, on the property, and has spread some of the piles of asphalt and concrete. The company has followed Peck's instructions not to remove any soil from the site, and to keep any visitors or vandals off the site.

2. *As it relates to the Site, what was the nature of any business or activity during the period of time you or any member of the Peck family, or a company substantially owned or controlled by the Peck family, either owned and/or operated the Site?*

RESPONSE:

From 1945 to approximately 1990, the business conducted at the property was the purchase, processing, storage and shipping of metal scrap from various military bases, other federal, state and local government agencies, and local businesses. Liquidation of remaining scrap materials off of the property continued into the early 1990s. In addition, Peck Equipment Company was established in the 1960's to locate hard-to-find parts for the U.S. Navy.

In a letter from S.G. Werner to D.S. Welch of EPA dated May 11, 2004, Mr. Werner provided an historical summary of Peck's activities at the property. This letter also was provided as an attachment to an e-mail from S.G. Werner to K. Bunker dated July 28, 2004.

3. *Describe how the size or property boundaries of the Site have changed since the inception of Peck activities at the Site.*

RESPONSE:

Some time during the period between 1945 and 1950, Peck acquired land adjacent to the original parcel. In the 1990's, less than an acre was acquired from the U.S. Navy. In 2003, Peck donated a conservation easement of approximately six acres along Paradise Creek to the Elizabeth River Project ("ERP"), which modified the land to serve as a wetland and forested buffer area. In the course of its work, the ERP removed a berm, dredged soils, re-contoured the area, and deposited soil back on other portions of the Peck property.

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The current 33 acres are on five parcels. The following table summarizes the title history of the current property.

Deed Records Search

DATE	GRANTOR	GRANTEE	COMMENTS
05-18-88	Peck Iron & Metal Co., Inc.	Elm Leasing Co.	2.990 ac - 1 st part 2 nd & 3 rd parts - Easements
10-01-76	USA Dept. of Navy	Peck Iron & Metal Co., Inc., et al.	3 rd part - Easement, 0.05 ac.
06-30-76	Norfolk-Portsmouth Belt Line Railroad Co.	Peck Iron & Metal Co., Inc., et al.	2 nd part - Easement agreement for use of Scott Center Road Crossing
10-28-69	USA Dept. of Navy	Norfolk-Portsmouth Belt Line Railroad Co.	Deed of Easement
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
05-13-88	Peck Iron & Metal Co., Inc.	Peck Portsmouth Land Co.	Parcel B - 22.924 ac.
12-30-63	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	4.544 ac.
01-26-60	Proctor & Gamble Mfg. Co.	Peck Iron & Metal Co., Inc.	21.4 ac.
01-26-60	Peck Iron & Metal Co., Inc.	Kenneth McCracken, Trustee	Holder of Note, 21.4 ac.
03-31-31	Portsmouth Cotton Oil Refining Corp.	Proctor & Gamble	Parcels A & B - 110 ac.
01-01-88	Julius S. & Bess P. Peck	JSP Land Company	2 ac; Parcel A-1.174 ac.; Parcel B-2.733 ac.; 1st-0.8016 ac.; 2 nd -1 ac.; 3 rd -0.55 ac.; 4 th -Parcel 1-0.004 ac., Parcel 2-0.17 ac.
07-29-47	Trites Refinery, Inc.	Julius S. Peck	2 ac.
07-12-47	Philip C. Cuddeback, et ux.	Trites Rendering, Inc.	

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03-08-47	Frederick W. Marrat	Philip C. Cuddeback	
01-07-29	American Forest Products Company	Frederick W. Marrat	
10-11-28	Cradock Mfg. Co.	American Forest Products Company	
09-29-50	Richard B. Kellam, Special Commissioner, et al.	Julius S. Peck & R.F. & Thirza Trant	Parcels A (1.174 ac.) & B (2.733 ac.). Kellam Commissioner for dispute in Trant family. R.F. paid off dispute amount to Commissioner, land released to Peck
07-30-28	H.W. West	John H. Trant, Jr.	
07-05-28	R.D. White	John H. Trant, Jr.	
05-28-28	Cradock Mfg. Co.	Richard B. Kellam, Special Commissioner	
08-06-45	Joseph W. Dunkam, et al.	Julius S. Peck (formerly Julius S. Pecker)	1 st - 2.304 ac. 2 nd - 1 ac. 3 rd - 0.55 ac. 4 th - Parcel 1 - 0.004 ac. Parcel 2 - 0.17 ac.
06-29-44	Commonwealth of Va.	Joseph W. Dunkum	4 th - Parcels 1 & 2; quit claimed to Dunkum
05-31-43	County of Norfolk	Commonwealth of Va.	4 th - Parcels 1 & 2; quit claimed to Commonwealth of Va.
08-03-28	Norfolk Portsmouth Bridge Corp.	County of Norfolk	4 th - Parcels 1 & 2
04-18-28	Cradock Mfg. Co.	Joseph W. Dunkum	3 rd - 0.55 ac.
04-16-27	Cradock Mfg. Co.	Joseph W. Dunkum	1 st - 2.304 ac.
04-27-26	Cradock Mfg. Co.	Joseph W. Dunkum	2 nd - 1 ac.



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4. *Explain how hazardous substances such as, but not limited to, polychlorinated biphenyls (PCBs) and lead came to be present on the site.*

RESPONSE:

The metal scrap purchased during the period of scrap metal operations consisted of damaged and obsolete equipment, attachments, parts, and other miscellaneous materials. At various times the scrap contained cadmium-coated automobile parts; lead as an additive in petroleum products; PCBs in insulated wire, gaskets, fluorescent lights, transformer oil, and household appliances that used capacitors; lead-based paint in scrapped bridge sections; and lead in automobile batteries. Metal scrap from the government was not cleaned or purged of hazardous substances before transfer to the Peck property.

5. *Provide all information regarding the current or past environmental and physical conditions at the Site including but not limited to geology and hydro-geology, soil, groundwater, surface-water (including drainage patterns), sediments, sewer systems, and storm water conveyance systems. This includes, but is not limited to, field observations and measurements, laboratory data, field screening data, boring logs, sample locations and dates.*

RESPONSE:

Physical and chemical data for the property have been submitted to the Virginia Department of Environmental Quality ("DEQ") and EPA. Peck believes that information provided to DEQ and EPA through December 2004 confirmed that there are discrete locations on the property with elevated concentrations of certain parameters, but that there would be no unacceptable risk to the environment or to humans if the property were covered with a cap and restricted as to future use. Furthermore, there were no indications that the property would endanger anyone if left undisturbed. A risk assessment prepared for Peck indicates that there would be no unacceptable risks to humans or the environment or the likelihood of a release to groundwater even if it were assumed that there are PCB concentrations of up to 5,000 mg/kg in the former metal processing area.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

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Date	Recipient	Sender	Description
15-May-03	Bernard, J.	Werner, S.G.	Draft Site Characterization Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report, Proposed Pull-A-Part Site, 3500 and 3850 Elm Avenue, Portsmouth, Virginia
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
12-Aug-03			Quantitation Report of samples obtained on 8-Aug-03
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
21-Oct-03	Werner, S.G.	Unze, S.C.	Attaches sample results for PCDDs and PCDFs
04-Nov-03		Williams, M.D.	Pull-A-Part Sampling Event: 08-06-03
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
21-Nov-03	Werner, S.G.	Kinder, D.S.	Explanation of deficiencies cited in M. Williams 4-Nov-03 report
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum
17-Feb-04	Werner, S.G.	Williams, M.D.	Memorandum regarding QA/AC criteria

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Date	Recipient	Sender	Description
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden; and a response by laboratory to deficiencies identified by Draper Aden
30-Mar-04	Rice, S.	Werner, S.G.	Letter enclosing PCB analytical data, including map showing October 2003 PCB soil sampling results
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Property Access Agreement attached
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
07-Jul-04			Sediments chain of custody form prepared by Mr. Hatcher
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
20-Jul-04		Severn Trent Labs	Sample confirmation report
16-Aug-04	Hatcher, R.F.	Jarvela, S.	Email regarding preliminary results of 7-Jul-04 sampling event
03-Sep-04	Hatcher, R.F.	Rieger, J.	Summary of samples taken; cost of analysis; map of locations where samples were taken
28-Sep-04	Loeb, M.	Werner, S.G.	Email update on sample analysis
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 correspondence regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
18-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Email setting out treatability study results and suggesting a meeting to discuss the results, treatment/stabilization strategies, regulatory implications and costs.
23-Nov-04	Hatcher, R.F., Werner, S.G.	List, R.	Additional treatability results
06-Jan-05	Hatcher, R.F., Bernard, J.F., Green, K.L.	Rieger, J.	Email regarding 70 ppb PCB screening level in sediments
03-Feb-05	Hatcher, R.F.	Williams, T.G.	Fax proposing use of same grid numbers and letters system as drawing supplied to Koontz-Bryant, reporting of plant to conduct site work from 8-Feb-05 thru 10-Feb-05
09-Feb-05	Bernard, J.	Werner, S.G.	Memorandum regarding soil sample location plan
16-Jun-05	Werner, S.G. & Hatcher, R.F.	Webb, J.N.	Requesting status of grid sampling effort



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Date	Recipient	Sender	Description
Undated			Site location map; well locations and boring locations; summary of analytical data - surface soil samples (6/1999 & 7/1999); summary of analytical data - soil/water interface soil samples (7/1999); summary of analytical data - groundwater (7/1999); summary of analytical data - mixed media (7/1999)

Peck is submitting to EPA with this response the laboratory data reports for samples collected at the property during 2005.

6. *Provide all documents that show the types of material accepted, customers, operational periods, and description of operations (including locations of operations) both owned and/or operated by you or any tenant(s).*

RESPONSE:

Peck has no documents in its possession responsive to this question. The following provides a brief description of operations on the property based on David Peck's recollection.

The operations at the property until the 1980's were located in and around the cinderblock buildings in the center of the property. At one of the buildings, a hydraulic guillotine shear cut steel to size. One building served as a sorting and storage room for non-ferrous metals and contained a small aluminum furnace to melt aluminum scrap. In the front, by the stop light, was a men's locker room and machine shop. A weigh scale was outside an office trailer near the stop light.

During the period of scrap metal operations on the property, the Department of Defense processed and sold metal scrap to Peck Iron & Metal from various military bases and Navy yards, including: Norfolk Naval Shipyard; Naval Air Station; Oceana; St. Juliens Creek; Cheatham Annex; Yorktown; Quantico; Ft. Meade; and Bellwood. The General Services Administration, Coast Guard, NOAA, and other agencies of the federal government also regularly sold surplus material to Peck Iron & Metal. Other large, non-government sellers to Peck Iron & Metal included the railroads, Virginia Electric and Power, landfills (which were

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sources of white goods and miscellaneous scrap), and the ship repair facilities, including Newport News Shipbuilding and Drydock, Norfolk Shipbuilding, and Moon Engineering.

Two occupants of the property -- neither affiliated with Peck -- in approximately 2001-02 operated businesses involving the handling of equipment and perhaps scrap metals. One occupant's operation led to action by DEQ, after which Peck evicted the occupant from the property. Currently, Able Body Demolition is using the property for truck storage and is helping to keep the property secure.

7. *Provide any correspondence to or from local, state or federal governments that discuss environmental conditions or issues at the property. This could include, but is not limited to, information regarding inspections, permits, violations and discharges.*

RESPONSE:

At the time Peck entered the Virginia Voluntary Remediation Program, its past and current environmental data were provided to DEQ. The history was also carefully reviewed by the Elizabeth River Project before it accepted approximately seven acres for a conservation easement.

The following table lists reports and other communications by which EPA and/or DEQ were provided information responsive to this question. Peck is not submitting copies of these reports and communications with this response but will provide them to EPA upon request.

Date	Recipient	Sender	Description
30-Apr-02	Gussman	Mayfield, M.	Letter informing DEQ of grant to address stormwater and habitat enhancement at Peck site
01-May-02	Peck, B.D.	Jackson, M.M.	Letter recommending demonstration project to enhance shoreline/stormwater on western side of Peck project, indicating that ERP expected \$30,000 to \$40,000 in grant funds to be available to assist in this voluntary project

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Date	Recipient	Sender	Description
06-Nov-02	Various	Jackson, L.	Email requesting comments on attached "Project Activities Coordination Meeting for 'Return to Paradise' - Peck Iron & Metal, Timeline of Action Items." List of attendees also attached.
27-Nov-02	West, T.	Pocata, M.A.	Letter regarding Joint Permit Applications (Peck and Elizabeth River Project) for wetlands restoration project and a stormwater/wetland pond
02-Dec-02		U.S. Army Corps of Engineers	Notification that Peck's proposed activity may qualify for Nationwide Permit 39; that proposed activity may affect historical properties (Norfolk Naval Shipyard); therefore, work cannot commence until requirements of National Historic Preservation Act have been met
06-Dec-02	Greene, K.L.	Cohen, A.	VRP Application for property located at 3850 Elm Avenue
13-Dec-02	Levetan, S.L.	Mayfield, M.	Letter offering grant-funded assistance to implement ERP's recommendations for sustainable development of Peck Site. Attached is "Environmental Stewardship Recommendations, Proposed Pull-a-Part Auto Recycling Facility, Elm Avenue, Portsmouth, VA" and "Best Management Practices for the Auto Salvage Industry"

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Date	Recipient	Sender	Description
06-Jan-03		VIMS	VIMS Shoreline Permit Application Report 02-2315 recommending applicant submit formal planting and monitoring plan
09-Jan-03			Notice of Public Hearing, Wetlands Board of the City of Portsmouth - Request of The Peck Company and The Elizabeth River Project for a wetland restoration area on the property at 3850 Elm Avenue
06-Mar-03			Portsmouth City Council, Public Hearing/Planning Items. Resolution (signed by City Manager) approving with conditions Pull-A-Part of Portsmouth's proposal to operate a motor vehicle recycling facility at 3850 Elm Avenue
11-Mar-03			Portsmouth City Council, Agenda. Pull-A-Part's use permit application is on agenda
14-Mar-03	Porter, S.J.	Wetmore, D.G.	Letter stating the exception request for BMP should not be granted because it does not meet necessary requirements
02-Apr-03	Pocta, M.A.	Porter, S.J.	Letter requesting additional WQIA information for site be submitted to Department by 11-Apr-03
10-Apr-03	Haste, G.J.	Pocta, M.A.	CBLAD and City of Portsmouth need stormwater calculations and justification for the stormwater location in the RPA buffer

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Date	Recipient	Sender	Description
11-Apr-03	Hatcher, R. F.	Hannah, J.	"Benefits of Proposed Stormwater Wetland at Peck Iron & Metal Site," Bill Hunt, Advisor to the Elizabeth River Project
14-Apr-03	Porter, S.J.	Hatcher, R.F.	Letter responding to 2-Apr-03 letter to M.A. Pocha in connection with locating a BMP within the Resource Protection Area for Paradise Creek wetlands
22-Apr-03	Porter, S.J.	Pocha, M.A.	Letter withdrawing Application for Exception from consideration at the City's Planning Commission meeting on 6-May-03
22-Apr-03	Hatcher, R.F.	Porter, S.J.	Memorandum stating information the City was seeking on stormwater calculations and buffer was not submitted timely and therefore will not be considered at the Planning Commission's 6-May-03 meeting
15-May-03	Bernard, J.	Werner, S.G.	DRAFT Site Characterization - Risk Assessment Report
28-May-03	Bernard, J.	Werner, S.G.	Site Characterization - Risk Assessment Report. Attached are: results of 29-Jul-99 Hatcher-Sayre Site Characterization Study; REAMS Risk Analysis; groundwater analytical results for 5-03 sampling; 9-Jul-99 Final Scope of Work for Site Investigation at The Peck Company, Portsmouth, Virginia
18-Jun-03	Hatcher, R. F.	Bernard, J.F.	Comments from DEQ and EPA on 28-May-03 Site Characterization Report and 4-June-03 site visit

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Date	Recipient	Sender	Description
18-Jun-03	Hatcher, R.F.	Bernard, J.F.	Letter commenting on 28-May-03 Site Characterization Report and 4-Jun-03 site visit
23-Jun-03	Hatcher, R.F.	Dinardo, Nicholas	Email requesting site visit with representatives of EPA, DEQ, and Peck.
14-Jul-03	Bernard, J.F.	Hatcher, R.F.	Letter regarding 9-Jul-03 meeting with DEQ and EPA, Peck's and Pull-A-Part's commitment to locate, remove and remediate "hot spots"
04-Aug-03	Bernard, J.	Werner, S.G.	Response to DEQ's 18-Jun-03 letter commenting on Site Characterization Report and proposing a sampling program
11-Sep-03	Greene, K.L.	Peck, B.D.	Letter regarding EPA's desire to sample for dioxin contamination at site; briefly discussing previous site operations; and requesting authorization from DEQ to go forward with site remediation
15-Sep-03	Comacho, J.	Werner, S.G.	Email inquiry regarding dioxins in soil -- capping as remediation
15-Sep-03	Cooper, D.	Werner, S.G.	Email listing questions regarding dioxin Werner would like to discuss with Cooper in a 1:30 telephone conversation
22-Sep-03	Rupert, R.	Jackson, M.M.	Memorandum setting out the Elizabeth River Project's position on disputed issues concerning contamination at the Peck site
25-Sep-03	Levetan, S.L.	Bernard, J.F.	Comments from DEQ and EPA on 4-Aug-03 Response to Comments and Proposed Sampling Plan

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Date	Recipient	Sender	Description
09-Oct-03			Agenda for 9-Oct-03 Elizabeth River Project meeting
07-Nov-03	Bernard, J.	Werner, S.G.	Site Characterization Study Addendum -- describes sampling activities between Jun- and Nov-03, analytical testing results and proposed approach to site remediation; attached is 27-Oct-03 memorandum to J. Bernard from S.G. Werner presenting sediments sampling plan
18-Dec-03	Bernard, J.F.	Hatcher, R.F.	Email forwarding colloquy between J.F. Bernard and S. Hahn of NOAA regarding the Peck Property Report addendum, stormwater runoff and the buffer
30-Dec-03	Hatcher, R. F.	Levetan, S.L.	Email forwarding language regarding "Peck 20031211 Review Ltr 1" providing EPA comments and observations of the 7-Nov-03 Peck Site Characterization Report
09-Jan-04	Hatcher, R.F.	Mayfield, M	Email entitled, "Elizabeth River Partnership - Jeopardy?" in which Mayfield forwards an exchange with Don Welsh, EPA Regional Administrator
15-Jan-04	Bernard, J.	Jarvela, S.	EPA's comments on Site Characterization Report
23-Jan-04	Bernard, J.F.	Greene, K.L., et al.	Email forwarding comments and observations on the 7-Nov-03 Peck Site Characterization Report

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Date	Recipient	Sender	Description
06-Feb-04	Bernard, J.F.	Hatcher, R.F.	Email forwarding Bernard's comments to K. Greene regarding EPA's comments and concerns: QA/QC documentation and the vertical investigation area
06-Feb-04	Peck, B.D.	West, T.L., MRC	Acknowledging receipt of application seeking authorization to create wetlands and clear phragmites
13-Feb-04	Bernard, J.F.	Jarvela, S., et al.	Series of emails whereby State requests contact from EPA for Perspective Purchaser Agreement issue; EPA requests point of contact for Pull-A-Part
17-Feb-04	Bernard, J.	Werner, S.G.	Response to EPA's 15-Jan-04 "Characterization Report Review"; attached are: EPA's 15-Jan-04 letter; QA/QC reports for PCB and lead analyses for soil samples; summary of data validation performed by Draper Aden and a response by laboratory to deficiencies identified by Draper Aden
27-Feb-04	Gills, W.	Werner, S.G.	Brownfield Remediation Loan Application submitted on behalf of The Peck Company
09-Mar-04	Jarvela, S.	Bernard, J.F.	Letter stating EPA is satisfied with Draper Aden site characterization and determined the project can proceed to the remediation stage
11-Mar-04	Bernard, J.	Jarvela, S.	Letter stating EPA's position that DEQ is the lead agency for Peck site project and is committed to support DEQ as the remedial action plan proceeds

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Date	Recipient	Sender	Description
12-Mar-04	Hatcher, R. F.	Bernard, J.F.	Email colloquy at DEQ regarding Peck's Brownfield's loan application
26-Mar-04	Peck, B.D.	Gills, W.A.	Letter notifying Peck the SWCB approved Brownfield Remediation loan in the amount of \$960,000 contingent upon satisfactory credit analysis by the VRA.
16-Apr-04	Bunker, K.	Bernard, J.F.	Email regarding Bunker's assignment as EPA's project manager of the Peck site
22-Apr-04	Bernard, J.	Bunker, K.	Email requesting DEQ to instruct Peck to submit a self-implementing PCB cleanup plan that complies with 40 CFR 761.61(a)
07-May-04			One page synopsis of Peck Recycling Co.'s history
11-May-04	Welsh, D.S.	Werner, S.G.	Letter enclosing Peck's "Self-Implementing PCB Cleanup Plan"
18-May-04	Hatcher, R.F.	Jarvela, S.	Email stating Jarvela hasn't scheduled trip, but will send access form for owner to sign
15-Jun-04	Werner, S.G.	Bernard, J.F.	Email responding to S. Werner's interpretation of 40 CFR section 761.61 in connection with the Self-Implementing PCB Cleanup Plan. Email also discusses wetlands sampling
16-Jun-04	Baldwin, Bob	Jackson, L.	Email requesting a meeting with Baldwin and/or other City of Portsmouth representatives to discuss the City's concerns or needs in order to move forward with Elm Avenue remediation

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Date	Recipient	Sender	Description
22-Jun-04	Peck, B.D.	Burke, J.J.	EPA's comments on Peck's Notification and Certification, dated 11-May-04, provided pursuant to requirements of the Self-Implementing On-Site Cleanup and Disposal of PCB Remediation Waste Regulation
27-Jun-04	Peck, B.D.	Jarvela, S.	Fax cover sheet attaching access agreement; Jarvela will contact Hatcher to schedule site visit
28-Jun-04	Peck, D.B.	Jarvela, S.	Letter stating EPA wants to conduct sampling at Peck site's wetlands and shoreline along border of property and Paradise Creek. Also attaches Property Access Agreement
29-Jun-04			DRAFT "Sampling and Analysis Plan for the Peck Iron and Metal Site, Portsmouth, Virginia" prepared for EPA by Tetra Tech
29-Jun-04			EPA Region III "Property Access Form" granting EPA and members of response team access to The Peck Company Site to collect samples for PCB and metals analysis
13-Jul-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 22-Jun-04 letter to B.D. Peck from J.J. Burke regarding deficiencies in Self-Implementing PCB Cleanup Plan; attached is Revised (12-Jul-04) Site Characterization and Self-Implementing PCB Cleanup Plan

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Date	Recipient	Sender	Description
28-Jul-04	Bunker, K.	Peck, B.D.	Memorandum regarding Peck's former operations at Portsmouth site.
28-Jul-04	Bunker, K.	Werner, S.G.	Email attaching a historical summary of Peck's activities at Elm Avenue which were included in 11-May-04 cover letter to Self-Implementing Cleanup Plan
28-Jul-04	List	Bunker, K., EPA	Email giving status on cleanup plan -- still reviewing amended plan EPA received on 14-Jul-04
16-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email stating Levetan indicates Pull-A-Part is very determined to purchase property
20-Aug-04	Hatcher, R. F.	Bernard, J.F.	Email regarding status of Elm Avenue VRP project
23-Aug-04	Ward, K.	Bernard, J.F.	Email stating Elm Avenue project is moving forward
26-Oct-04	Welsh, D.S.	Werner, S.G.	Response to EPA Region III's 15-Oct-04 communication regarding Self-Implementing PCB Cleanup Plan; attached is Revised (22-Oct-04) Site Characterization and Self-Implementing PCB Cleanup Plan
16-Nov-04	Baldwin, R.A.	Barclay, R.C.	Letter Application for Extension of Use Permit 03-01 by Pull-a-Part of Portsmouth, LLC to operate a motor vehicle recycling facility at 3850 Elm Avenue, owned by The Peck Company, Peck-Portsmouth Recycling Co.
19-Nov-04	Peck, B.D.	Burke, J.J	EPA's response to Peck's Revised Notification and Certification, dated 25-Oct-04

Mr. Randy Sturgeon
May 10, 2006
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Date	Recipient	Sender	Description
01-Dec-04			Chronology of Primary Activities - Proposed Pull-A-Part, Inc. Site - Elm Avenue, Portsmouth, VA
22-Dec-04	Hatcher, R.F.	EPA, DEQ	Confirming 5-Jan-05 meeting to discuss options available under TSCA and/or CERCLA to move forward on remediation of the Peck site
05-Jan-05			Attendance list of meeting
05-Jan-05			Draper Aden, "The Case for Self-Implementing Site Remediation, Peck Property, Portsmouth, VA," presentation to EPA
20-Jan-05	Peck, B.D.	Webb, J.	Letter proposing that Peck amend its 22-Oct-04 self-implementing cleanup plan to include certain conditions and sampling plans
26-Jan-05	Welsh, D.S.	Werner, S.G.	Letter addressing conditions set out in EPA's 20-Jan-05 letter for self-implementing cleanup plan
01-Feb-05	Peck, B.D.	Webb, J.	Letter approving 22-Oct-04 self-implementing cleanup, subject to conditions set out in EPA's 20-Jan-05 letter
23-Feb-05	Ward, K.	Bernard, J.F.	Email colloquy regarding EPA approval of project; inquiry regarding interest rate for Peck's loan
28-Jun-05	Webb, J.N.	Peck, B.D.	Letter notifying EPA, et al. that Peck is going to stop conducting the PCB cleanup plan
15-Oct-05	Peck, B.D.	Burke, J.J.	EPA's response to Peck's Revised Notification and Certification, dated 13-Jul-04

Mr. Randy Sturgeon
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Date	Recipient	Sender	Description
07-Dec-05	Sturgeon, R., EPA	Peck, B.D.	Memorandum setting out reasons for withdrawing self-implementing cleanup plan, conclusions of risk assessment, and proposed "closure" plan
08-Dec-05	Peck, B.D. & Gant, Rene	Sturgeon, R.	Response to Peck's Dec-05 letter

8. *Provide information regarding modifications made to the property, including, but not limited to, areas of fill, areas where the topography was modified, areas of burial and/or dumping, and areas of construction and/or demolition.*

RESPONSE:

Peck demolished a building at the entrance to the property at 3500 Elm Avenue in response to a demand by the N&P Beltline. In addition, part of the former Proctor & Gamble masonry building near that entrance was demolished within the last ten years.

Inert material was dumped on the site by various contractors during the past ten years. If trash or suspect material was found, contractors were employed to remove the material for disposal at a landfill. Able Body Demolition spread inert concrete, asphalt, and soil on the property during the past few months. Any suspect soil or other material was to be placed in the area of the buildings where scrap metal processing operations once occurred.

Please also see the response to question 3 above.

9. *Provide all information on the current and recent use of the Site including actions such as, but not limited to, the storage of soils, material or equipment, or modification or movement of soils or sediments located on the Site.*

RESPONSE:

Please see the answer to question 8 above. In addition, during 2005, Able Body Demolition excavated certain areas of soil, moved the materials to the former operations area, and subsequently covered the area with inert materials. Able Body personnel were warned of the

Mr. Randy Sturgeon
May 10, 2006
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nature and potential danger of the excavated soil and were instructed about where on the property the soil should be placed.

10. *Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons that worked at the Site for longer than three years.*

RESPONSE:

Stanley Peck and Aaron Peck worked at the property for a period of time until the early 1990s. Their current addresses and phone numbers are:

Stanley J. Peck

[REDACTED]

Aaron M. Peck

[REDACTED]

Personnel records from the period of active site operations were not retained.

11. *If you have any information about other persons/entities who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the person's entity's name, address, type of business, and the reason(s) why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.*

RESPONSE:

Peck has no additional information responsive to this question.

HUNTON &
WILLIAMS

Mr. Randy Sturgeon
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Please contact Roger Hatcher or me if you have questions about this response to the
Information Request.

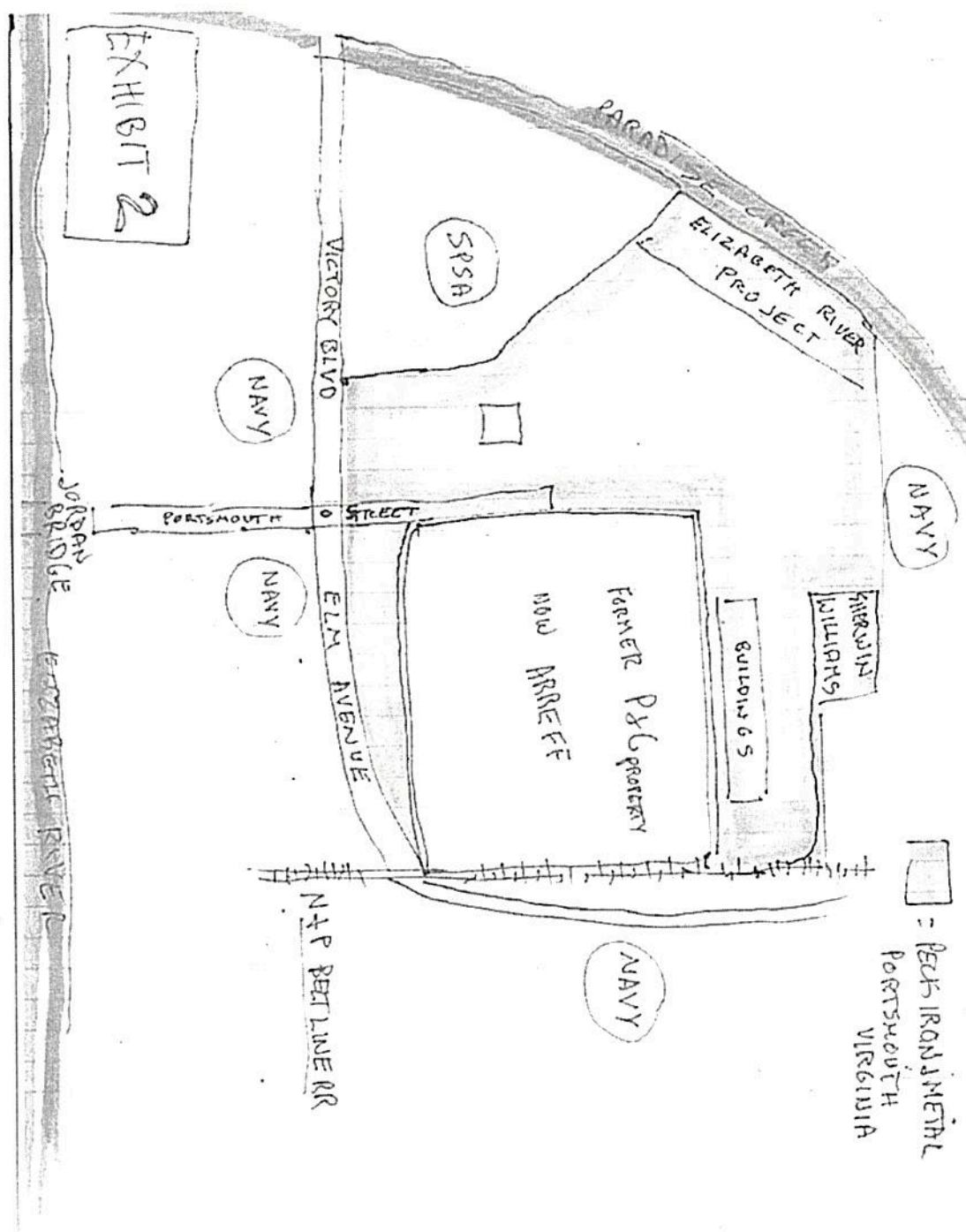
Yours truly,



Dan J. Jordanger
Counsel to The Peck Company

Enclosures

cc: Mr. B. David Peck
Roger F. Hatcher, Ph.D.





Draper Aden Associates

Engineering • Surveying • Environmental Services

8090 Villa Park Drive
Richmond, Virginia 23228
(804) 264-2228 • Fax: (804) 264-8773
daa@daa.com • www.daa.com

May 11, 2004

Mr. Donald S. Welsh
Regional Administrator
U.S. EPA – Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Self-Implementing PCB Cleanup Plan
34-Acre Site, Elm Avenue
Portsmouth, Virginia
DAA Project # R03186-01

Dear Mr. Welsh:

This Self-Implementing PCB Cleanup Plan is submitted on behalf of The Peck Company, Richmond, Virginia for the above referenced property. This property has been in the Virginia Department of Environmental Quality's Voluntary Remediation Program for more than a year and we are anxious to return this inactive property to productive use. The remaining issue that has stopped progress on this project concerns PCBs and thus, the reason for submitting the attached Plan.

The site meets all of the criteria for the self-implementing procedures and we believe that the Plan addresses all of the requirements of 40 CFR § 761.61. Prior to reviewing the plan, it is important that EPA understand the history of this property, which is summarized below by the owner, The Peck Company.

Peck Recycling Co., Inc. bought, sold, and processed metal scrap for fifty years from different locations. The metal came from industrial plants, farms, auto parts yards, Federal Government (e.g. military bases); State (e.g. Highway Dept.) and Local (e.g. Police Dept.) agencies.

The metal scrap was purchased after several careful inspections. Trained inspectors looked at the material at the sellers' operation, upon arrival, when weighed, when unloaded, when processed, when stored, and when shipped. Upon being unloaded it was visually, if not manually separated into more than 40 different categories.

Mr. Donald Welsh
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The material was checked for radioactivity. Rejections were immediate if any hazardous or toxic material or substance were suspected. For example, 150,000 lbs. of material from a military base were rejected when the base could not definitely identify the liquid in the containers; DuPont had to take back 55-gallon drums when Peck was not satisfied with the stenciled markings on the containers; a railroad tank car from Allied Chemical was not accepted when Peck inspectors detected a noxious odor; Philip Morris (e.g. engines with lubricant drippings) material rejected; etc.

Transformers were not accepted from any sellers with the sole exception of a company that processed them. It removed the laminated steel, wires, copper and oil; then it triple rinsed them before delivery.

The Peck Recycling Company's primary concerns were its employees, its customers (the buyers), and its facilities and grounds. Its record is plain to see. None of its hundreds of employees ever reported or complained of handling or being affected by any hazardous or toxic material. Not one of the thousands of consumers ever reported or complained about discovering any substance that might be hazardous or toxic. Every buyer was very carefully looking for PCB, benzene, heavy metals, hydrocarbons, asbestos, and any attachments or substances that might cause problems.

The continuous training of all Peck employees as inspectors and material handlers had clear results. Peck regularly received a rebate of 25% from its insurance carrier for its extraordinary safety record and procedures. Note that every month Peck handled (i.e. received, unloaded, processed, stored, shipped) more than 100 million pounds of metals.

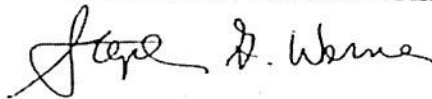
It is also noteworthy that Peck's operations were in five different cities covering more than 120 acres (Eastern Shore, Danville, Woodford, Portsmouth, Richmond). Upon the sale of the Peck operations in 1997, the properties were closely examined. More than \$100,000 was spent in Phase II activities by independent environmental groups. The only PCB discoveries were on less than 1% of the property although 95% of the properties were used in operations. And the 1% area was where material from military bases was processed until 1969.

The property owner, The Peck Company, and the prospective purchaser/developer, Pull-A-Part, Inc. have responded to all of the EPA and DEQ requests and unfortunately, feel that progress has again been delayed. EPA's prompt review and approval of this Plan is greatly appreciated.

Mr. Donald Welsh
U.S EPA - Region III
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Any questions concerning this closure plan should be directed to either Dr. Roger F. Hatcher (804-492-9458) or me (804-261-2937).

Sincerely,
DRAPER ADEN ASSOCIATES

A handwritten signature in black ink, appearing to read "Stephen G. Werner".

Stephen G. Werner, P.G.
Director of Environmental Services

Attachment (2)

cc: Dr. Roger F. Hatcher
B. David Peck
James Bernard, DEQ
Steven L. Levetan, Pull-A-Part, Inc.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

ORIGINAL

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER: PROMPT REPLY REQUIRED
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

MAY 20 2009

8/14/09

Newport News Shipbuilding and Dry Dock Company
Michael Petters, President
4101 Washington Avenue
Newport News, VA 23607

**Re: Peck Iron and Metal Site
Portsmouth, Virginia**

Dear Mr. Petters:

This letter notifies you that Newport News Shipbuilding and Dry Dock Company (hereinafter, "your company" or "NNSD") may incur, or may have incurred, liability under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9607(a), with respect to the Peck Iron and Metal Site ("Site") located in Portsmouth, Virginia. This letter also notifies you of potential response activities at the Site, which you may be asked to pay for at a later date if the United States Environmental Protection Agency ("EPA") performs them.

Under CERCLA, commonly known as the federal "Superfund" law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. EPA has documented that such a release has occurred at the Site. EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to EPA, EPA has determined that your company may be responsible under CERCLA for cleanup of the Site or costs EPA has incurred in cleaning up the Site.

EXPLANATION OF POTENTIAL LIABILITY

Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties ("PRPs") may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current

ORIGINAL

and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

The Peck Co., (and its predecessor company Peck Iron & Steel Co., both of which are collectively referred to as "Peck") was a scrap metal business that was in business from approximately 1945 through the early 1990s. EPA has obtained information that the Site was operated by Peck, which purchased, processed, stored and shipped metal scrap from various military bases, governmental agencies, and businesses. The scrap processed by Peck at the Site included obsolete equipment, attachments, parts, other miscellaneous materials, and scrapped naval vessels. During a July 9, 2003 meeting at the Site with EPA and the Virginia Department of Environmental Quality ("VADEQ"), a former principal of Peck stated that polychlorinated biphenyls (PCB) containing transformers were disassembled and wires were burned to remove insulation. Peck's operations resulted in the improper storage and disposal of hazardous substances and the release of hazardous substances into the environment.

Peck received at the Site various materials that contained hazardous substances, including but not limited to lead and PCBs. Lead is a hazardous substance as set forth in 40 C.F.R. §§ 261.21 and 261.24 under the Resource Conservation and Recovery Act ("RCRA"). Zinc is a hazardous substance as set forth in 40 C.F.R. § 302.4. PCBs are hazardous substances as set forth in 40 C.F.R. § 302.4. These substances are also classified by the U.S. Department of Transportation as hazardous.

The facility processed scrap materials by sorting them, staging them, cutting them down to size, and then loading them onto railcars for shipment to consumers. Lead from batteries was reclaimed in a process referred to as "battery breaking". In this process the top of the battery is removed and the contents of the battery – lead plates, insulating grid and acid – are dumped onto the ground. The plates are recovered and stored for later processing or shipping. The remaining debris consisting of cases and grids typically are stored in piles for later disposal. Transformers containing PCBs were processed in the "shear area" by removing the transformers' carcasses and then collecting the oil with PCBs and insulated wire from within. The oil was used for various purposes at the Site including dust suppression in summer and fuel for warming fires in winter. Insulation on the transformer wire was sometimes burned off. The processing at the facility generated recovered materials and waste including PCB-contaminated wastes such as oil and insulation, as well as asbestos, munitions, miscellaneous fugitive metal debris, hydraulic fluids and waste oils.

Based on the information collected, EPA believes that your company may be liable under Section 107(a) of CERCLA with respect to the Site, as a person who arranged for disposal or treatment of hazardous substances sent to the Site. Specifically, EPA has reason to believe that your company arranged for the disposal and/or treatment of lead, zinc, and PCBs (as well as other substances) at the Site.

SITE RESPONSE ACTIVITIES

Several Site inspections were conducted by EPA and revealed a large open field covered with construction debris piles. A well-established wetland makes-up the southern margin of the Site adjacent to Paradise Creek. Various types of metallic debris can be observed on the surface of the ground; some debris is partially buried. Some degraded projectiles and shell casings also were observed on the surface of the ground.

On October 5, 2006, EPA began an emergency removal action and on January 11, 2007, EPA issued an Administrative Order for Removal Response Action (EPA Docket No. CERC-03-2007-0075DC) (the "Order") to The Peck Co., and the related parties, JSP Land Company, Inc., Peck-Portsmouth Recycling Company, Inc., and ELM Leasing Company, Inc. Pursuant to the Order, these entities submitted an Extent of Contamination Study ("EOC") on October 24, 2008. The EOC revealed significant contamination across the Site. Of the approximately 800 soil samples collected on the Site, nearly all indicated concentrations of PCBs, lead, and arsenic magnitudes above the Regional Screening Levels ("RSLs") for Chemical Contaminants at Superfund Sites - Industrial Soil Screening Levels.

In addition, the Site had been referred to the Region III Site Assessment Branch for evaluation in the Hazard Ranking System ("HRS") for potential placement of the Site on the National Priorities List ("NPL"). The Site was subsequently proposed in the Federal Register for inclusion on the NPL on April 9, 2009 with a potential listing expected in September 2009. EPA expects to conduct or to have PRPs conduct the following studies at the Site:

1. A removal action to reduce any immediate threat in the environment or human health posed by the site;
2. Remedial Investigation ("RI") - Further investigations to define the nature and extent of soil, air, ground water, surface water and sediment contamination at the Site and to identify the local hydro-geological characteristics and impact on biotic receptors at the Site; and a
3. Feasibility Study ("FS") - A study to evaluate possible response actions to remove or contain hazardous substances, pollutants, and contaminants at the Site.

EPA may expend additional funds for response activities at the Site under the authority of CERCLA and other laws.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

You may receive an additional notice from EPA in the future concerning the Site. The following four paragraphs are a detailed description of this future notice. You do not need to take any specific action regarding this future notice at this time. The description is provided to you here so that you can anticipate and understand the process.

The future notice will either inform you that EPA is using the CERCLA Section 122(e) special notice procedure to formally negotiate the terms of a consent order or consent decree to conduct or to finance Site response activities, or it will inform you that EPA is electing not to utilize this procedure. If EPA does not use the Section 122(e) special notice procedure, the notice will specify why special notice was not considered appropriate in this case.

Under Section 122(e), EPA has discretionary authority to use the special notice procedure if EPA determines that such procedure would facilitate an agreement between EPA and the PRPs for taking response action and would expedite remedial action at the Site. Use of this special notice procedure triggers a moratorium on certain government activities at the Site. The purpose of the moratorium is to provide a period of time when PRPs and EPA may enter into formal negotiations for an agreement under which the response activities will be financed and performed by the PRPs.

If special notice is provided with respect to the Remedial Investigation and Feasibility Study ("RI/FS") at the Site, the moratorium period, during which EPA will not initiate implementation of the RI/FS, lasts for 60 days after receipt of special notice. If EPA determines that a good faith offer to perform or to finance the RI/FS is submitted by the PRPs within 60 days, the statute provides a 30-day extension for further negotiations. Following completion of the RI/FS, a second moratorium period during which EPA may not initiate response activities occurs with regard to the Remedial Design/Remedial Action ("RD/RA"). The RD/RA moratorium also lasts for 60 days after the RD/RA special notice has been issued. If EPA determines that a good faith offer for the performance of the RD/RA is submitted by the PRPs within 60 days, the statute provides for an additional 60-day extension for further negotiations.

If EPA determines that a good faith offer has not been submitted within the first 60 days of any moratorium period, EPA may terminate the negotiation moratorium pursuant to Section 122(e)(4) of CERCLA and may commence response activities or enforcement actions as it deems appropriate. In the absence of an agreement with the parties to perform or to finance the necessary response activities, EPA may undertake these activities and pursue civil litigation against the parties for reimbursement of Site expenditures. Alternatively, EPA may issue a unilateral administrative order ("UAO") pursuant to Section 106(a) of CERCLA to require PRPs to conduct response activities, and/or may commence civil litigation pursuant to Section 106(a) of CERCLA to obtain similar relief. Failure to comply with a UAO issued pursuant to Section 106(a) of CERCLA may result in a fine of up to \$37,500 per day, pursuant to Section 106(b) of CERCLA and 40 C.F.R. Part 19, and/or imposition of treble damages, pursuant to Section 107(c)(3) of CERCLA.

The preceding explanation of special notice and the negotiation moratorium procedure is for your general information about the Superfund process. It does not require any specific action on your part at this time.

PRP RESPONSE AND EPA CONTACT

You are encouraged to contact EPA in writing within **thirty (30)** calendar days of the receipt of this letter to express your willingness or unwillingness to participate in future negotiations concerning this Site. You may respond individually or through a steering committee if such a committee has been formed. Your response will be considered by EPA in determining whether the special notice procedure should be used for this Site.

If you are already involved in discussions with State or local authorities, engaged in voluntary action or involved in a lawsuit regarding this Site, you should not interpret this letter as advising or directing you to restrict or to discontinue any such activities. You should, however, report the status of those discussions or activities in your letter to EPA. Please provide EPA with a copy of your letter to any other party involved in those discussions.

Your response to this letter should be addressed to:

Laura Johnson, Remedial Project Manager (3HS23)
DE, VA, WV Remedial Branch
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

The following information may be useful in your consideration of this matter.

INFORMATION TO ASSIST POTENTIALLY RESPONSIBLE PARTIES

EPA encourages good faith negotiations between the PRPs and EPA, as well as among the PRPs. A list of the names and addresses of PRPs to whom this notification is being sent along with the name(s) of PRPs previously notified is being provided. This list represents EPA's preliminary findings on the identities of the PRPs for the Site. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at or from the Site.

DE MINIMIS SETTLEMENTS

Under CERCLA § 122(g) of CERCLA, whenever practicable and in the public interest, EPA may offer special settlements "to parties whose waste contribution to a site is minimal in volume and toxicity, that is, de minimis parties."

Individuals or businesses resolving their Superfund liability as de minimis parties are not typically required to perform site cleanup. Instead, EPA requires de minimis settlers to pay their fair share of cleanup costs incurred, plus a "premium" that accounts for, among other things, uncertainties associated with the costs of work to be performed in the future. In return, de minimis settlers receive: (1) a covenant not to sue, which is a promise that EPA will not bring any future legal action against the settling party for the specific matters addressed in the settlement; and (2) contribution protection, which provides a settling party with protection from being sued by other responsible parties for the specific matters addressed in the settlement.

Participation in a de minimis settlement means that you are settling directly with EPA as soon as it is possible to do so.

If your company believes that it may be eligible for a de minimis settlement at this Site, please contact Joan E. Martin-Banks, Civil Investigator, at (215) 814-3156 for additional information on "De Minimis Settlements." Additional information will be sent to you, and you may be asked to respond in writing to questions about your involvement with the Site to assist EPA in making a determination as to whether you may be eligible for such a settlement.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), 42 U.S.C. §9613(k), EPA establishes an administrative record that contains documents which form the basis for EPA's decision on the selection of each response action for a site. The administrative record will be available to the public for inspection and comment before any remedial action is selected by EPA. A copy of the record for each response action selected for the Site will be available on the internet at www.epa.gov/arweb and will be available in hardcopy, on microfilm, or on compact disk at specific location(s). A copy will be located at the EPA Regional office, 1650 Arch Street, Philadelphia, Pennsylvania 19103. The contact person in the Regional office is Anna Butch telephone at (215) 814-3157.

FUTURE FINANCIAL REVIEW

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within this category, please contact Joan E. Martin-Banks, Civil Investigator at (215) 814-3156 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business federal income tax returns. If EPA concludes that your company has a legitimate inability to pay the full amount of EPA's costs, EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Please note that, because EPA has a potential claim against you, you must include EPA as a creditor in subsequent bankruptcy proceedings.

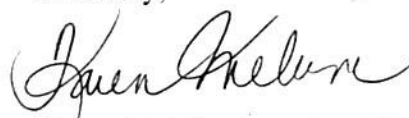
RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, former President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at <http://www.epa.gov/swerosps/bf/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund>.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov. In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), which is enclosed with this letter.

Please give these matters your immediate attention and consideration. If you have any questions regarding the PRP Search activities performed at this Site, please contact Joan E. Martin Banks, Civil Investigator, at (215) 814-3156, or have your attorney contact James Van Orden of EPA's Office of Regional Counsel at (215) 814-2693. Laura Johnson, the Site RPM, can be reached by telephone at (215) 814-3295. Thank you for your prompt attention to this matter.

Sincerely,



Karen Melvin, Associate Division Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures:

1. List of PRPS Receiving Notice Letter
2. Responsible Parties Previously Noticed and/or Ordered
3. SBREFA Information

cc: Erica Dameron, VA DEQ
James Van Orden, Esq., (3RC42)
Richard Rupert, OSC (3HS31)
Laura Johnson, RPM (3HS23)
Ann L. Pharr, Esq.

Enclosure 1

Notice Letter Recipient List
Peck Iron and Metal Site, Portsmouth, Virginia

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Defense Logistics Agency
Defense Reutilization and Marketing Service
Judy Malmquist, Associate Counsel
Attn: DRMS-DG

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Enclosure 2

Parties Previously Issued Administrative Order for Removal Response Action,
January 11, 2007, (EPA Docket No.CERC-03-2007-0075DC)

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Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators

(www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners



Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center
(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act
(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers
(www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills.
(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse
(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline
(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information
(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.
(1-202-554-1404)

Wetlands Helpline
(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman
(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage
(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy
(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy
(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.